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BY POUCH MAIL

Dr. G. Esler Inskeep
Assistant Patent Officer
Philip Morris Incorporated
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Re: Our File 582-763
PM #576

Dear Les:

Attached hereto is a copy of the Office Action which we discussed today by telephone. I'm not sure whether or not there is already a copy of the action in your files.

As we discussed, it would be helpful to know whether or not the two limitations which the Examiner refers to would unduly restrict the scope of the broad claim were either one or both of them to be employed. We would also like to know whether or not an appeal should be taken in this case, if the submission of an argument (and possibly the modification of the claims) does not persuade the Examiner to withdraw his rejection.

The grounds of rejection appear to be essentially parallel to grounds which have already been discussed; but, we would appreciate any additional comments which you or the inventors may have in connection with the same. The first ground of rejection appears to refer to 35 U.S.C. 132, but probably relates to 35 U.S.C. 112 and we think that the Examiner's basis for employing this ground of rejection is essentially groundless and that the case which he has cited (incidentally incorrectly - it should have been cited as In re Welstead, 174 U.S.P.Q. 449) does not support the Examiner's position.

We would hope to file a response before the end of this week and we look forward to your comments.

Sincerely,

Howard K. Kothe

HKK:gbs
Enc.

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